

Art Unit: 1646

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

In view of the Appellant's brief filed on 6/30/2008, the rejection under 35 USC 103(a) has been reconsidered. Upon further review and reconsideration, the Appellant's arguments regarding unexpectedly improved results of treating sepsis by administering a combination of anti-IL-6, anti-TNF- $\alpha$  and anti-IFN- $\gamma$  antibodies (see Appeal Brief, p. 10-11), have been found persuasive. Accordingly, the rejection of claims 49-57 under 35 USC 103(a) is hereby withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter G. Carroll, on 10/10/2008.

#### In the claims:

1. Please delete claims 49-50.
2. In claims 51, 52, 54, 55, and 57, please amend the phrase "anti-IFN antibodies" to "anti-IFN-gamma antibodies".

#### Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce D. Hissong, Ph.D., whose telephone number is (571)272-3324. The examiner can normally be reached M-F from 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are

Art Unit: 1646

unsuccessful, the examiner's supervisor, Gary Nickol, Ph.D., can be reached at (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BDH

Art Unit 1646

/Gary B. Nickol /

Supervisory Patent Examiner, Art Unit 1646